

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sebastian Saavedra	Team: Squad #1	CCRB Case #: 202005246	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 07/26/2020 1:00 PM	Location of Incident: 50th Precinct Stationhouse	Precinct: 50	18 Mo. SOL 1/26/2022	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 07/27/2020 11:03 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 07/27/2020 11:03 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Thomas Woods	07089	923384	050 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Catherine Marousek	4292	952625	050 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Thomas Woods	Discourtesy: Detective Thomas Woods spoke discourteously to § 87(2)(b)	
B.DT3 Thomas Woods	Abuse: Detective Thomas Woods searched § 87(2)(b) s bag.	
C.DT3 Thomas Woods	Abuse: Detective Thomas Woods failed to provide § 87(2)(b) with a business card.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On July 27, 2020, § 87(2)(b) filed this complaint with the CCRB via its call processing system.

On July 26, 2020, § 87(2)(b) visited the 50th Precinct Stationhouse to file a domestic violence complaint. Detective Thomas Woods and Detective Catherine Marousek of the 50th Precinct Detective Squad brought § 87(2)(b) into a separate room within the stationhouse. Det. Woods asked § 87(2)(b) whether she knew anything about crack cocaine or heroin, and whether she was a drug addict (**Allegation A: Discourtesy**-§ 87(2)(g)). Det. Woods asked to look through § 87(2)(b)'s bag, then did so (**Allegation B: Abuse of Authority**-§ 87(2)(g)). Det. Woods did not provide § 87(2)(b) with a business card (**Allegation C: Abuse of Authority**-§ 87(2)(g)). § 87(4-b), § 87(2)(g)

Neither Det. Woods nor Det. Marousek were assigned a body-worn camera at the time of this incident (Board Reviews 02 and 03).

Findings and Recommendations

Allegation (A) Discourtesy: Detective Thomas Woods spoke discourteously to § 87(2)(b)
Allegation (B) Abuse of Authority: Detective Thomas Woods searched § 87(2)(b)'s bag.
Allegation (C) Abuse of Authority: Detective Thomas Woods failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) testified that, on July 23, or July 24, 2020, she called the 49th Precinct, where the domestic incident had taken place, and told an officer there that she wished to make a report but was afraid to visit that stationhouse as her abuser lived in the area. That officer instructed her to visit the 50th Precinct. On July 26, 2020, at approximately 1pm, her friend drove her to the 50th Precinct stationhouse in order to file a domestic violence complaint. § 87(2)(b) stated that she wore a baseball cap, sunglasses, and a mask. Det. Woods and Det. Marousek approached § 87(2)(b) and brought her into another room in the stationhouse. § 87(2)(b)

Det. Woods asked § 87(2)(b) for her partner's name and address, and she told him them. Det. Woods said to her, "I'm familiar with all those guys over there." In the course of questioning her about her relationship with her ex-partner, Det. Woods asked § 87(2)(b) whether she knew anything about crack cocaine or heroin and if she was a drug addict. § 87(2)(b) told Det. Woods that she did not know anything about those drugs. Det. Woods told § 87(2)(b) that he did not believe her, as she had been with her partner for 12 years. § 87(2)(b) told him that she did not know of her partner being involved with illegal drugs in any way. Det. Woods asked her if she used drugs, and she replied that she did not. Det. Woods asked if he could look through § 87(2)(b)'s bag, and she replied that he could. Det. Woods looked through her bag but did not find anything illegal. Det. Woods told § 87(2)(b) that if she did not cooperate, and tell him the truth, he would not file a police report for her, and that he believed she knew more than she was telling him. Det. Marousek also told § 87(2)(b) that she needed to cooperate with Det. Woods. § 87(2)(b) then left the stationhouse and did not file a report. § 87(2)(b) did not independently testify that she was doing anything physically during this interaction (Board Review 01).

Det. Woods testified that at approximately 1pm on July 26, 2020, he observed § 87(2)(b) in the waiting area of the 50th Precinct stationhouse. § 87(2)(b) was wearing a baseball cap, large sunglasses, and a protective mask. § 87(2)(b) told Det. Woods that she wanted to make a complaint against her boyfriend, and provided her address, which was not within the 50th Precinct. Det. Woods pointed this out, and § 87(2)(b) stated that she had previously visited the 49th Precinct stationhouse, and the officers there had not helped her. § 87(2)(b) also told Det. Woods that a male had brought her to the stationhouse, though she did not provide his name. Det. Woods asked whether he could speak to him, and § 87(2)(b) said that he could not. Det. Woods went to the detective squad area of the stationhouse and called the 49th Precinct. He

stated that officers there did not recall interacting with § 87(2)(b) Det. Woods and Det. Marousek then brought § 87(2)(b) into the muster room and sat at a table with her. Det. Woods stated that he and Det. Marousek spoke to § 87(2)(b) though he did not recall the specifics of this conversation. Det. Woods recalled that § 87(2)(b) did not provide specific information regarding her complaint, and did not appear comfortable speaking to the detectives, keeping her face covered, and her hand inside her purse, on her lap for the entire interaction, approximately 20 minutes. Det. Woods asked why she had her hand in her bag, asked her to look inside and she handed it to him. Det. Woods reached inside but did not recall whether he removed anything and stated that there were only innocuous personal items inside. Det. Woods stated that because § 87(2)(b) was fidgety, kept her face completely covered, and did not want Det. Woods to speak to the male that had brought her there, Det. Woods was unsure whether § 87(2)(b) was a threat to him or herself, or whether she was under the influence of drugs. Det. Woods stated that this suspicion was informed by his experience of 12 years working in narcotics. Det. Woods denied asking § 87(2)(b) whether she knew anything about heroin or crack cocaine, or whether she was a drug addict. He did not recall whether he mentioned drugs to § 87(2)(b) in any way. Approximately 20 minutes into this interaction, § 87(2)(b) stood up and said she no longer wanted to make a complaint (Board Reviews 02 and 10).

In a follow up interview on October 1, 2021, Det. Woods testified that he did not provide § 87(2)(b) with a business card. He did not recall Det. Woods asking for a business card and stated that, to his understanding, he was not required to provide one to her during a situation of this nature. Det. Woods stated that he would be required to do so during a street stop, and while conducting a search or frisk but stated that he did not believe his looking inside § 87(2)(b)'s bag constituted a requirement for him to provide her with a business card, as he was inside the stationhouse, and because he did not suspect § 87(2)(b) of a crime (Board Review 11).

Det. Marousek testified that § 87(2)(b) visited the 50th Precinct stationhouse to file a complaint. Det. Marousek did not recall what § 87(2)(b) was wearing, whether she was carrying any objects, or whether she was accompanied by anyone. Det. Marousek stated that she and Det. Woods brought § 87(2)(b) into another room and spoke to her, though she did not recall the details of this conversation but recalled that § 87(2)(b) was making some sort of domestic complaint against her partner, and that § 87(2)(b) was being evasive and not providing details about her complaint. Det. Marousek did not recall Det. Woods asking § 87(2)(b) whether she knew anything about crack cocaine or heroin. Det. Marousek did not recall whether Det. Woods looked through a bag of § 87(2)(b)'s. She did not recall Det. Woods saying to § 87(2)(b) that if she did not cooperate, he would not file a police report for her (Board Review 03).

Officers are not allowed to use discourteous language when interacting with civilians, NYPD Patrol Guide 203-09 (Board Review 12).

If they possess founded suspicion that a civilian has committed, is committing, or is about to commit a crime, officers may request said civilian's consent to search them, which must be voluntarily given, People v. De Bour 40 N.Y. 2d 21 (Board Review 04).

Officers are required to provide business cards to individuals following the conclusion of any law enforcement activity, including searches of property, NYC Administrative Code 14-174 (Board Review 06).

Neither Det. Woods nor Det. Marousek recalled Det. Woods asking § 87(2)(b) about drugs or if she was a drug addict. However, Det. Woods stated that, based on her unusual behavior (fidgeting, refusing to remove her sunglasses, hat or mask, keeping her hand in her purse during the interaction, and refusing to allow Det. Woods to speak to the male who had accompanied her) as well as his experience working in narcotics, he was unsure whether § 87(2)(b) may have been under the influence of drugs at the time. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Det. Woods and § 87(2)(b) were consistent in their testimony that Det. Woods asked § 87(2)(b) whether he could look in her bag, and she told him he could, and that Det. Woods proceeded to look inside the bag. Det. Woods testified that, based on her unusual behavior (as stated above) as well as his experience working in narcotics, he was unsure whether § 87(2)(b) may have been under the influence of drugs at the time, or whether she was a threat to him or herself. Det. Woods stated that it was due to these factors that he asked to look inside her bag.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 07).
- Det. Woods has been a member-of-service for 22 years and has been a subject in 17 prior CCRB complaints and 44 allegations, of which eight were substantiated:
 - 200717883 involved a substantiated allegation of physical force. The Board recommended command discipline and NYPD imposed instructions.
 - 201302680 involved substantiated allegations of frisk, and search of person. The Board recommended charges and the NYPD imposed a penalty of three vacation days.
 - 201304504 involved substantiated allegations of frisk, and vehicle stop. The Board recommended instructions and the NYPD imposed instructions.
 - 201408481 involved substantiated allegations of frisk, search of person and vehicle

search. The Board recommended charges and the NYPD imposed a penalty of two vacation days.

Mediation, Civil and Criminal Histories

- Mediation was not presented to § 87(2)(b) § 87(2)(g)
[REDACTED]
[REDACTED]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- As of November 3, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed with regard to this complaint (Board Review 09).

Squad No.: 1

Investigator:	<u>Inv. Saavedra</u>	<u></u>	<u>12/16/21</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Mgr. Joy Almeyda</u>	<u></u>	<u>1.28.22</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date